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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 9 May 2018 from the Permanent Mission of France to the United Nations addressed to the Chair of the Committee

The Permanent Mission of France to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to transmit to him, in accordance with paragraph 17 of resolution 2397 (2017), the report of France on the implementation of that resolution (see annex).

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Annex to the note verbale dated 9 May 2018 from the Permanent Mission of France to the United Nations addressed to the Chair of the Committee

Report of France on the implementation of Security Council resolution 2397 (2017)

Introduction

Security Council resolution 2397 (2017) of 22 December 2017 reinforces sanctions against the Democratic People's Republic of Korea.

The measures introduced by resolution 2397 (2017) include more stringent action against the supply, sale or transfer to the Democratic People's Republic of Korea of all petroleum products, and stronger sectoral sanctions (banning exports from the Democratic People's Republic of Korea of food and agricultural products, machinery, electrical equipment, earth and stone, wood and vessels; banning the Democratic People's Republic of Korea from selling or transferring fishing rights; and banning the supply, sale or transfer to the Democratic People's Republic of Korea of all industrial machinery, transportation vehicles and iron, steel and other metals). The resolution strengthens the ban on issuing work authorizations to nationals of the Democratic People's Republic of Korea by requiring Member States to repatriate all such nationals earning income, and all Government safety oversight attachés, within 24 months from 22 December 2017. The resolution strengthens maritime interdiction measures addressing illicit exports from the Democratic People's Republic of Korea of coal and other prohibited items and illicit imports into the Democratic People's Republic of Korea of petroleum, and prohibits the provision of insurance or re-insurance for, and requires Member States to de-register, vessels involved in illicit activities. It also designates for sanctions a further 16 individuals and one entity.

In accordance with paragraph 17 of resolution 2397 (2017), France wishes to inform the Security Council of the measures taken to implement the resolution.

I. European Union measures

The European Union introduced restrictive measures applying to the Democratic People's Republic of Korea on 22 December 2006, following that country's first nuclear test, and all the Security Council resolutions have been transposed into European Union legislation through regulations and decisions of the Council of the European Union. The European Union has also taken additional action independently, targeting the Democratic People's Republic of Korea's nuclear weapons and nuclear programmes, programmes relating to other weapons of mass destruction, and ballistic missile programmes. The action taken includes import and export bans relating to weapons, goods, services and technologies that could contribute to such programmes.

By decision (CFSP) 2018/293 of 26 February 2018, the Council of the European Union established measures to implement Security Council resolution 2397 (2017), including:

- A strengthening of the ban on exports of all refined petroleum products to the Democratic People's Republic of Korea, reducing the quantity that could be exported from 2 million barrels to 500,000 barrels per year;

- A prohibition on importing food and agricultural products, machinery, electrical equipment, earth and stone, and wood, from the Democratic People's Republic of Korea;
- A ban on the supply to the Democratic People's Republic of Korea of all industrial machinery and transportation vehicles, and an extension of the ban to iron, steel and other metals;
- New maritime interdiction measures imposed where there are reasonable grounds to believe that a vessel has been involved in violations of United Nations sanctions;
- An obligation to repatriate all nationals of the Democratic People's Republic of Korea working abroad within 24 months, subject to applicable national and international law.

The additional 16 individuals and one entity designated by Security Council resolution 2397 (2017) were added to the list of individuals and entities subject to an assets freeze and travel ban by implementing decision (CFSP) 2018/16 of the Council of the European Union, adopted on 8 January 2018. The 79 individuals and 54 entities designated by the Security Council are subject to European Union assets-freeze and travel-ban measures.

The complete ban on exports of crude oil established by resolution 2397 (2017) had already been introduced by the Council of the European Union, through decision (CFSP) 2017/1860 of 16 October 2017.

II. Measures established by France to supplement European Union legislation

France strengthened its domestic law by means of the Act of 14 March 2011 on combating the proliferation of weapons of mass destruction and their delivery systems. In particular, this Act establishes the financing of proliferation as a separate offence.

A. Designations

Banks and financial institutions in France are informed of European Union measures regarding the designation of individuals and entities via, inter alia, the Official Journal of the European Union, the consolidated list of financial sanctions of the European Union and the website of the Department of the Treasury, which has a dedicated page on the sanctions regime against the Democratic People's Republic of Korea and a single list of freezing measures applicable in France. French banks and financial institutions are required to implement these measures without delay.

Article L562-3 of the Monetary and Financial Code allows the minister responsible for economic affairs to freeze, for a renewable period of six months, all or part of the funds, financial instruments and economic resources held by individuals and entities designated by the Security Council or by the European Union. A decree of the Minister of the Economy and Finance of 12 January 2018 implemented the freeze against the individuals and entities designated by Security Council resolution 2397 (2017), pending the adoption of European Union legislation.

B. Employment of nationals of the Democratic People's Republic of Korea in France

France has not recorded any presence in its territory of nationals of the Democratic People's Republic of Korea or of safety oversight attachés of the Government of that country monitoring those nationals.

C. Maritime interdiction

In addition to imposing restrictive measures, the French authorities have contacted shipping companies and companies supplying shipping-related services, including certification services, to raise their awareness regarding proper implementation of the sanctions adopted by the Security Council.